

U.S. DEPARTMENT OF COMMERCE
CHARTER AMENDMENT FOR THE
EMERGING TECHNOLOGY AND RESEARCH ADVISORY COMMITTEE

MEMBERS AND CHAIRPERSON, paragraph 1, is revised to read:

1. The Committee consists of a maximum of 28 members from academia, industry, Federal laboratories, and Government departments and agencies, who are appointed by the Secretary of Commerce. The members shall include representatives of the Departments of Commerce, Defense, and State, the intelligence community, and, at the discretion of the Secretary, other Government departments and agencies. All members serve at the pleasure of the Secretary. As a general rule, members must be highly ranked, accomplished engineers and scientists working in their disciplines as researchers or program-level managers. Consistent with Section 5(h)(1) of the Act, the industry members shall not serve on the Committee for more than four consecutive years. Members who do not attend 75 percent of Committee meetings in a 12-month period may have their membership terminated.



Chief Financial Officer and
Assistant Secretary for Administration

03.16.09
Date

**U.S. DEPARTMENT OF COMMERCE
CHARTER OF THE
EMERGING TECHNOLOGY AND RESEARCH ADVISORY COMMITTEE**

The Secretary of Commerce ("Secretary"), pursuant to authorities provided by law, including the Export Administration Act of 1979,¹ as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the "Act"), the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)), and the Federal Advisory Committee Act (5 U.S.C., App.), hereby establishes a Technical Advisory Committee, the Emerging Technology and Research Advisory Committee (ETRAC).

Representatives of a substantial segment of companies and universities engaged in the development of advanced technologies have requested the formation of this technical advisory committee.

OBJECTIVES AND DUTIES

1. The Committee will be consulted where a recognized need of the Department of Commerce exists with respect to questions involving: (a) the identification of emerging technologies and research and development activities that may be of interest from a dual-use perspective; (b) the prioritization of new and existing controls to determine which are of greatest consequence to national security; (c) the potential impact of dual-use export control requirements on research activities; and (d) the threat to national security posed by the unauthorized export of technologies.
2. The Committee will provide advice to the Department with respect to these matters. The Chairperson will submit an annual report and annual plan to the Department. The report will include a summary of the efforts of the Committee during the year and any recommendations agreed on by the Committee.

¹ From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2007 (72 Fed. Reg. 46137 (August 16, 2007)), has continued the Regulations in effect under IEEPA.

3. The Committee serves on a continuing basis within the limitations of the law.
4. The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act and Section 5(h) of the Act.

MEMBERSHIP AND CHAIRPERSON

1. The Committee consists of a maximum of 25 members from industry and Government who are appointed by the Secretary of Commerce. All members serve at the pleasure of the Secretary. ETRAC's members will be experts drawn equally from academia, industry, and federal laboratories. As a general rule, members must be highly ranked, accomplished engineers and scientists (Ph.D.) working in their disciplines as researchers or program-level managers. Consistent with Section 5(h)(1) of the Act, the industry members shall not serve on the Committee for more than four consecutive years. Members who do not attend 75 percent of Committee meetings in a 12-month period may have their membership terminated.
2. The Chairperson will be elected by the Committee as required by Section 5(h)(4) of the Act. It is desired that the Chairperson serve only a two-year term; however, with a majority vote, the Chairperson may be re-elected.
3. Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.
4. Non-federal members serve in a representative capacity and not as special government employees. Federal members serve as regular government employees.
5. All members must be able to qualify for a Secret clearance.

ADMINISTRATIVE PROVISIONS


1. The Committee reports to the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce.
2. The Committee meets at least every three months at the call of the Chairperson, unless the Chairperson determines, in consultation with other members of the Committee, that such a meeting is not necessary to achieve the purposes of the Act. Meetings and work of the Committee shall be consistent with the provisions of Section 5 of the Act as well as the provisions of the Federal Advisory Committee Act.
3. The Office of Technology Evaluation, Bureau of Industry and Security, provides administrative support for the Committee.
4. Industry members will not be reimbursed for travel, subsistence, and other expenses incurred by them in connection with their duties as members of the Committee.

5. The estimated annual operating cost of the Committee is \$26,400, which includes an estimated 0.3 person-year of staff support.

6. In consultation with the Department, the Committee may establish such Subcommittees from among its members as may be necessary, subject to the provisions of the Federal Advisory Committee Act and Part II, Chapter 2, Section F, Department of Commerce Committee Management Handbook. Subcommittee members must be approved by the Assistant Secretary for Export Administration.

DURATION

This charter will terminate two years from the date of the filing of this charter with the appropriate U.S. Senate and House of Representatives Oversight Committees unless earlier terminated or renewed by proper authority. As required by Section 5(h)(4) of the Act, the Secretary shall consult the Committee with regard to termination or extension of the Committee.



Chief Financial Officer and
Assistant Secretary for Administration

5/16/08
Date